



Motion filed to dismiss charges against Sheriff Rodella's son

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The U.S. Attorney's Office on Wednesday filed an unopposed motion to dismiss federal charges against Thomas Rodella, Jr., son of Rio Arriba County Sheriff Tommy Rodella.

"There was no case. There was no case from the beginning. There is no case. And it took them arresting a man, putting him jail, putting him through what he's been through, then later looking through critical records that the grand jury saw to dismiss the case," Rodella Jr.'s attorney, Jason Bowles, told reporters at a news conference Wednesday afternoon.

Rodella Jr. and his father were indicted by a federal grand jury on charges of conspiracy to violate a man's civil rights and falsifying arrest documents on Aug. 12. The two men were arrested by the FBI three days later.

The charges in the five-count indictment stem from a March incident during which Sheriff Rodella and his son allegedly engaged in the high-speed pursuit and unreasonable seizure of a victim, Michael Tafoya.

The motion seeks dismissal of the charges against Rodella Jr. based on information indicating that he has a "medical condition that puts into doubt whether he has the cognitive ability to form the specific intent necessary to prove the charges against him beyond a reasonable doubt," according to a news release sent by the U.S. Attorney's Office.

At an afternoon press conference, lawyers confirmed Rodella Jr. had allegedly suffered a "traumatic brain injury" and PTSD after serving in the military and a deployment to Kosovo.

The motion states that the U.S. Attorney's Office learned about the medical condition after the indictment was filed and after Rodella Jr. was arrested.

"You consider his medical background, his military service. You consider that he had a traumatic brain injury, and you look at the standards required to be proved for mental state, and this was never a case that should have been brought," Bowles said.

When Bowles was asked how Rodella Jr. could be a reserve deputy and not understand intent during the alleged altercation, he said, "It's two different things. The law in a special-intent crime requires the highest level of mental state. You have to specifically and willfully intend to commit a crime. That's different from doing your job on a day-to-day basis as a



A motion to dismiss charges against Thomas Rodella, Jr. (right) was filed Wednesday. He's accused of conspiring to violate a man's civil rights with Sheriff Tommy Rodella (left).



Michael Tafoya told KOB he reported the incident to the FBI after bonding out of jail.

deputy. It's two different mental states. Those two don't equate to each other. "

Robert Gorence, another attorney for Rodella, blasted prosecutors and said they did not do a thorough enough job in gathering facts in the case from Tafoya.

"[There were] pictures of [Tafoya] when he was booked into jail, which clearly showed he was never abused? Did they present the information where he said he never was injured? Did they present the FBI DNA analysis which completely refutes his assertion that a badge was used as a weapon to scar his face? No, none of that happened," Gorence said.

Gorence also alleged Tafoya didn't have a valid driver's license the day of the incident, saying he "had a motive and reason to flee", and that Tafoya knew who Rodella was the whole time.

Gorence didn't stop there with the accusations during the news conference, also alleging a U.S. Attorney "threatened" the sheriff with arrest and prosecution for not deputizing Fish and Wildlife agents in Rio Arriba County.

A federal judge will decide whether or not to drop the charges against Rodella Jr.

The U.S. Attorney's Office is proceeding with the prosecution of the case against Sheriff Rodella. His trial is scheduled to begin on Sept. 22, 2014.